



ENVIRONMENTAL APPEALS BOARD

BUSINESS PLAN 2006 - 2009

INTRODUCTION

Albertans value their environment for the ecological, economic, and social benefits it provides. They expect their water to be safe, their air to be clean, their land to be productive, and careful decisions to be made about the protection and management of the environment for generations to come. Alberta businesses expect to be treated fairly and have their matters involving their applications or appeals heard quickly. The Environmental Appeals Board is committed to ensuring businesses and citizens have the opportunity to provide advice respecting environmental decisions recognizing the shared responsibilities of all Albertans for the environment.

Established on September 1, 1993, by the proclamation of the *Environmental Protection and Enhancement Act*, the Environmental Appeals Board provides Alberta citizens and industry with a mechanism to appeal certain decisions made by Alberta Environment. As such, the Board plays an important quasi-judicial role in ensuring the protection, enhancement, and wise management of the environment. In this role, the Board is committed to taking a proactive stance in the fair, impartial, and efficient resolution of all matters before it.

The Board's core business is to hear appeals from applicants and affected parties on decisions regarding environmental approvals, enforcement actions, reclamation certificates, and other matters. The goals of the Board are linked to the core business and goals of the Ministry of Environment and the core business of the Alberta Government being people, prosperity, and preservation. However, in order to maintain its adjudicative objectivity, the Board operates at arms-length from the Department of Environment, allowing it to maintain a necessary degree of independence. The Board is committed to contributing to the sustainable development of Alberta's natural resources for the benefit of Albertans today and in the future.

Social (people), economic (prosperity), and environmental (preservation) effects of major resource development are scrutinized through the Board's review process to ensure that Alberta's renewable resources are sustained, the high quality of Alberta's environment is maintained, and resource development contributes to prosperity. The Board approaches each appeal with an impartial and unbiased view.

The Board continues to find ways of reducing its expenditures, and to conduct our business more efficiently and effectively. The Board is committed to maintaining quality services and enhancing the appeal process. The Board is extremely committed to ensuring that the appeal process is fair, thorough, timely, and cost-effective.

VISION

The Environmental Appeals Board's vision is to promote a high quality of life in Alberta through the timely and thorough review of environmental decisions.

MISSION

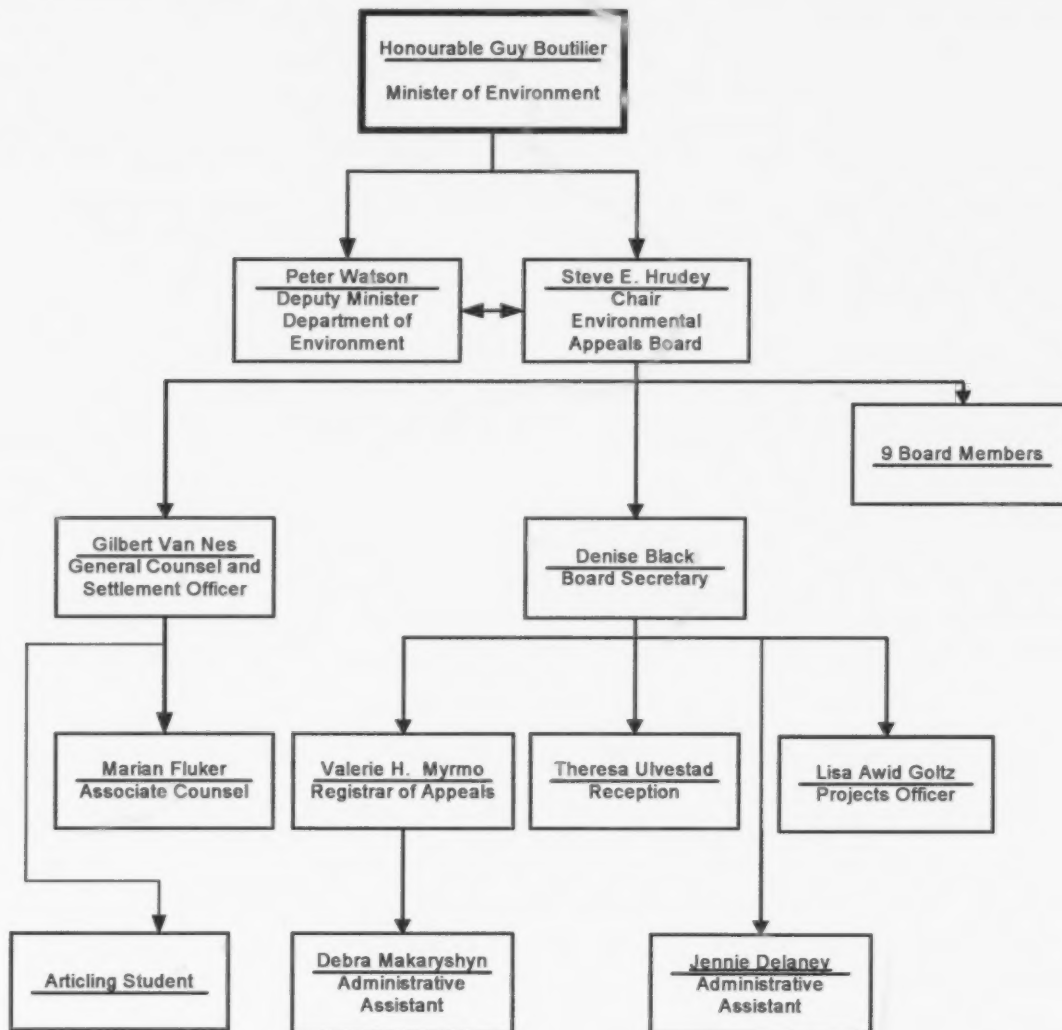
The Environmental Appeals Board will advance the protection, enhancement, and wise use of Alberta's environment by providing fair, impartial, and efficient resolution of all matters before it.

STRUCTURE

The Board is placed in a unique position in relation to the Department of Environment and the Ministry of Environment. The Board is under the umbrella of the Ministry and reviews and hears appeals regarding decisions made under the *Environmental Protection and Enhancement Act* and the *Water Act* by Directors within the Department of Environment. Being an adjudicative body, the Board operates at arms-length from the government to maintain a necessary degree of independence and impartiality. However, for budgetary reasons and for the purposes of providing the Minister with its decisions and reports once they are completed, and notwithstanding the Board's effort to balance environmental and economic interests, the Board remains aligned with the operations and goals of the Ministry of Environment.

The Board consists of two distinct, yet very interconnected entities: Board members and Board staff. Cabinet appoints Board members while Board staff are employed by the Government of Alberta. Collectively, Board members offer a variety of expertise and knowledge in environmental matters. Their decisions on all appeal matters before them are based on impartial, unbiased, and independent judgment of the evidence placed in front of them. Board members also act as facilitators in mediations. Employed by the Government of Alberta, Board staff embrace the fiscal, environmental, and human resource goals of the government but concurrently remain focused on supporting the objectives and goals of the Board and its operations. Further, Board staff are dedicated to the operating principles of the Board and its mission.

ENVIRONMENTAL APPEALS BOARD ORGANIZATION CHART



CORE VALUES

In conducting its business, the Board is guided by its belief in:

Ecosystem Sustainability

Consistent with the legislation, the Board believes that a healthy environment is essential to the integrity of ecosystems and human health and to the well being of Albertans.

Sustainable Development

The Board hears and processes appeals in a fair and effective manner striving to ensure the wise use of Alberta's renewable resources with the goal that future generations may benefit from them.

Shared Responsibility

The Board shares the responsibility of managing Alberta's natural resources by providing Albertans the opportunity to have a voice through appeal procedures.

Public Involvement

The Board ensures information on its mandate and rules and regulations is freely accessible. The Board provides Albertans with the opportunity to become active participants in appeals and hearings through creative processes such as mediation.

Informed Decision-Making

The Board hears and processes appeals on the basis of relevant scientific, technological, and environmental information to make fully informed decisions.

Mediation as the Preferred Way to Resolve Matters

Board mediations promote open and collaborative discussions between participants and encourage individuals to come up with their own solutions. Mediation can help increase communication, develop a better understanding of the participants' concerns and offer win-win solutions.

Public Service

The Board is dedicated to providing excellent service to Albertans in all regions of the province.

Healthy and Supportive Work Environment

The Board values its employees and Board Members and strives to provide a working environment where open, honest, and respectful communication is encouraged. The Board also supports its staff in maintaining a healthy, active lifestyle.

CORE BUSINESS

The Board's core business is to hear appeals from applicants and affected participants on decisions regarding environmental approvals, enforcement actions, reclamation certificates, and other matters. The goals of the Board focus on substance, process, community, people, and government and are linked to the strategic vision and goals of the Ministry of Environment. The Board supports staff development and learning through training opportunities. The Board's business is aligned with the strategic direction of the Government of Alberta's business plan, which are people, prosperity, and preservation, and the Government of Alberta's strategic plan, which is a guide for government policy and direction over the next 20 years.

The Board continues to work to find effective ways of reducing its expenditures while maintaining a quality service. We continue to look for innovative ways to conduct our business more efficiently and effectively.

The Board is committed to contributing to the sustainable development of Alberta's natural resources for the benefit of Albertans today and in the future.

The goals of the Board focus on substance, process, community, people, and government. These specific goals include:

SUBSTANCE:

Treat all individuals that contact the Board with fairness and respect. Decide matters with impartiality, integrity, and in accordance with principles of natural justice.

PROCESS:

Effective and efficient resolution of all matters before the Board.

COMMUNITY:

Sharing ideas and exchanging information.

PEOPLE:

Board member and staff development.

GOVERNMENT:

The Board will support applicable Government of Alberta initiatives.

GOALS/STRATEGIES/PERFORMANCE MEASURES

Goal: #1: SUBSTANCE: Treat all individuals that contact the Board with fairness and respect. Decide matters with impartiality, integrity, and in accordance with principles of natural justice.

Strategy A: *The Board will promote fairness in its mediations.*

Performance

- Measures:**
- 1.1 Provide participants with information on mediation prior to attending mediations before the Board.
Target: 100% of participants provided with information before mediations.
 - 1.2 Provide trained mediators as facilitators.
Target: Board's General Counsel and Settlement Officer will ensure training of all new Board Members for mediation.
 - 1.3 Conduct satisfaction surveys at the conclusion of each mediation.
Target: 100% of participants will be sent a survey after mediations.

The Board works to establish a level playing field where all participants are provided the same information, are treated equally, and are provided with a trained mediator who will assist them in an impartial and neutral manner thereby promoting fairness in Board mediations. The Board also monitors feedback from participant surveys to see where positive changes can be made.

Strategy B: *The Board will provide sound written decisions.*

Performance

- Measures:**
- 1.4 Ensure correctness of Board decisions by monitoring judicial reviews, legal decisions, or other statutory changes.
Target: Yes/No
 - 1.5 Stay updated on relevant law.
Target: Yes/No
 - 1.6 Ensure Board members receive decisions and reports for review.
Target: Provide information to Board members within 3 working days.
 - 1.7 Ensure Board members receive updated legislation relating to the Board.
Target: Provide information to the Board within 2 weeks of legislation becoming publicly available.

- 1.8 All decisions, excluding Discontinuances of Proceedings (DOPs), reviewed by legal counsel for legal accuracy.

Target: 100% of decisions, excluding DOPs, reviewed.

- 1.9 Encourage the use of plain language in its decisions.

Target: Yes/No

Staying updated on current legislation and related legal issues assists Board members and staff in writing thorough decisions that take current issues into consideration. The Board stresses the use of plain language in its decisions to allow all Albertans an opportunity to understand the complex legal or technical issues the Board must consider.

Strategy C: *The Board will provide a fair hearing process.*

Performance

- Measures:** 1.10 Provide primary participants with a complete copy of the appeal file in accordance with the law.

Target: 100% of primary participants will receive a complete copy of the appeal file.

- 1.11 In accordance with the law, provide participants a fair opportunity to present input prior to the Board making its final decision.

Target: 100% of participants will have an opportunity to provide input.

- 1.12 In accordance with the law, Board hearings and preliminary meetings will be open to the public for viewing only, and appeal files will be made available to the public for viewing.

Target: Hearings and preliminary meetings will be open to the public 100% of the time.

Appeal material will be available to the public for viewing 100% of the time.

- 1.13 Carry out Board processes in accordance with the principles of natural justice and procedural fairness.

Target: Yes/No

- 1.14 Prepare decisions and reports within legislative time frames.

Target: 95% of decisions will be prepared within legislative time frames.

The Board promotes fairness by providing all participants with the same information and the ability to provide input. The Board encourages awareness and involvement of all Albertans in its proceedings by making information on its appeals and attendance at hearings freely accessible to everyone.

Strategy D: *The Board will strive to continually improve the way it conducts its processes.*

Performance

Measures: 1.15 Monitor feedback by participants and public on a continual basis.

Target: Yes/No

1.16 Conduct stakeholder consultations as appropriate.

Target: Yes/No

The Board receives feedback from its stakeholders and Albertans as a whole which plays a key role in improving the way it conducts its business. When feedback is received it is discussed and considered for future implementation.

Goal: #2 PROCESS: Effective and efficient resolution of all matters before the Board.

Strategy A: *The Board will use mediation where appropriate.*

Performance

Measures: 2.1 Monitor the number of appeals successfully resolved through mediation.

Target: 70% of appeals resolved through mediation.

2.2 Post information related to the mediation process to the Board's website.

Target: Information reviewed 2 times per year and updated if necessary.

2.3 Conduct satisfaction surveys at the conclusion of each mediation.

Target: 100% of surveys sent out.

2.4 Encourage participants to use mediation where appropriate.

Target: Yes/No

The Board places a high value on its mediation program and seeks feedback from participants to improve its processes wherever possible. The Board encourages the use of mediation as the preferred way to resolve matters that come before the Board because it promotes open and collaborative discussions between the participants and encourages individuals to come up with their own solutions. Mediation encourages open and respectful communication and offers win-win solutions.

Strategy B: *The Board will strive to continually improve the way it conducts its business.*

Performance

- Measures:**
- 2.5 Where a problem occurs, staff will meet to develop a solution and apply it to the particular situation and to Board processes generally where appropriate and necessary. Where necessary, staff will consult and seek approval from the Board.
Target: Yes/No
 - 2.6 Staff will meet regularly to review its appeal processes and identify opportunities for improvement. Where necessary, staff will consult and seek approval from the Board.
Target: Senior staff will meet quarterly to review appeal process.
 - 2.7 Monitor feedback by participants and public on a continual basis.
Target: Yes/No
 - 2.8 Conduct stakeholder consultations as appropriate.
Target: Yes/No

Feedback allows the Board to hear first-hand what is important to our stakeholders and Albertans as a whole. Once the Board receives feedback, it is discussed and considered for future implementation.

Strategy C: *The Board will work to streamline its procedures.*

Performance

- Measures:**
- 2.9 Consolidate appeals where appropriate.
Target: Yes/No
 - 2.10 Use written versus oral submission processes for matters where appropriate.
Target: Yes/No

- 2.11 Prepare decisions and reports within legislated timeframes.
Target: 95% of decisions and reports completed within legislated time frames.

Streamlining helps the Board process multiple appeals that are similar in nature in an expedient, efficient and cost-effective manner.

Strategy D: *The Board will provide information regarding its processes.*

Performance

- Measures:** 2.12 Send information packages with respect to filed appeals.
Target: Packages sent within 3 working days.

- 2.13 Ensure participants to an appeal are sent copies of correspondence, decisions, and reports.
Target: Yes/No

In order for participants to partake in the Board's procedures in a meaningful and fair way, they must be provided information regarding their appeal in a timely fashion. Once their matter is resolved, the Board informs participants of its decision as quickly as possible.

Strategy E: *The Board will seek opportunities for innovation.*

Performance

- Measures:** 2.14 Examine new technologies as the Board becomes aware of them.
Target: Yes/No

- 2.15 Keep in contact with other agencies, tribunals, and organizations on new ways to conduct Board business.
Target: Yes/No

The Board strives to be innovative and current in conducting all parts of its business. Forming contacts with other administrative organizations allows the Board to share information and learn about best practices being used by other government agencies.

Goal: #3: COMMUNITY: Sharing ideas and exchanging information.

Strategy A: *The Board will provide public presentations and training.*

Performance

- Measures:** 3.1 Agree to reasonable requests from the community, government, or business, to make presentations.
Target: Agree to 100% of requests for presentations.

Strategy B: *The Board will provide information on the Board to the public.*

Performance

- Measures:** 3.2 Maintain and update Board's website on a regular basis.
Target: Update the Board's website on a weekly basis.
- 3.3 Distribute decisions and reports to legal publications/organizations/libraries, and others by request.
Target: Distribute requested information 100% of the time.
- 3.4 Publish public notices regarding Board processes as appropriate.
Target: Publish public notices for hearings 100% of the time.

The Board wants all Albertans to be aware of what it does and to share information with the public in a helpful and useful way. Educating the public creates awareness and an opportunity for Albertans to learn and have a voice in environmental matters.

Strategy C: *The Board will establish and maintain contact with other tribunals.*

Performance

- Measures:** 3.5 Review websites, business plans, and information of other tribunals.
Target: Yes/No
- 3.6 Attend relevant conferences and training opportunities when feasible.
Target: Yes/No

Establishing contacts with other administrative organizations allow the Board to share information and learn about best practices being used by other government agencies.

Strategy D: *The Board will reflect environmental values.*

Performance

- Measures:** 3.7 Provide staff with recycling facilities.
Target: Yes/No
- 3.8 Engage in projects that promote protection of the environment.
Target: Yes/No

We are all responsible in protecting the environment. Board staff promote ways to protect and preserve the environment on a daily basis.

Goal: #4 PEOPLE: Board member and staff development.¹

Strategy A: *The Board will provide educational opportunities for Board members.*

Performance

- Measures:** 4.1 Inform Board members of environmental, ADR, administrative law and technical training initiatives.
Target: Yes/No
- 4.2 Encourage participation in environmental, ADR, administrative law and technical training initiatives.
Target: Yes/No

Strategy B: *The Board will provide staff with educational opportunities.*

Performance

- Measures:** 4.3 Inform staff members of various training initiatives.
Target: Yes/No
- 4.4 Encourage participation in ADR training.
Target: Yes/No
- 4.5 Encourage use of staff learning account.
Target: 100% of staff will use at least some portion of their learning account.

The Board encourages the development of Board members and staff by providing access to ongoing learning opportunities. Continuous learning promotes well educated Board members and staff who are allowed to maximize their potential through the development of new skills and knowledge.

Strategy C: *The Board will encourage staff to hold memberships in relevant organizations.*

Performance

- Measures:** 4.6 Inform staff of relevant organizations.
Target: Yes/No

¹ Development initiatives are dependent on Board schedule and finances.

- 4.7 Provide for memberships in mandatory organizations.
Target: 100% of mandatory memberships will be provided to staff.

Memberships keep staff involved and abreast of new developments and current trends in relevant areas.

Strategy D: *The Board will promote a healthy workplace.*

Performance

- Measures:** 4.8 Inform staff of opportunities for wellness training.
Target: Yes/No
- 4.9 Encourage staff to use learning account for health and wellness initiatives.
Target: Yes/No
- 4.10 Encourage open, honest, and respectful communication, including being receptive to suggestions and ideas on improving the workplace.
Target: Yes/No

Strategy E: *The Board will recognize contributions of its staff.*

Performance

- Measures:** 4.11 Provide informal recognition.
Target: Yes/No
- 4.12 Provide formal recognition.
Target: Yes/No

The Board supports and encourages its staff to be active and healthy, and promotes a positive and balanced work environment. The Board also values and recognizes the ongoing contributions made by staff.

Goal: #5 GOVERNMENT: The Board will support applicable Government of Alberta initiatives.²

Strategy A: *The Board will support the Government of Alberta's fiscal goals.*

² The Board will take all reasonable steps to control its expenditures; however, the Board's business is externally driven and, therefore, has limited control over factors such as number of appeals filed, location, and complexity of issues.

Performance

- Measures:** 5.1 Work to maintain a balanced budget.
Target: Yes/No
- 5.2 Provide financial reporting as requested.
Target: Yes/No
- 5.3 Promote fiscally responsible spending.
Target: Yes/No

Strategy B: *The Board will contribute to the Government of Alberta's Business Plan and goals.*

Performance

- Measures:** 5.4 Report to the Ministry of Environment as prescribed in the Memorandum of Understanding between the Minister of Environment and the Chair of the Environmental Appeals Board.
Target: Yes/No

Strategy C: *The Board will support applicable cross-ministry initiatives.*

Performance

- Measures:** 5.5 Participate in applicable cross-ministry initiatives where requested.
Target: Yes/No
- 5.6 Seek opportunities to support applicable cross-ministry initiatives.
Target: Yes/No

The Board is committed to being open and accountable to the public regarding its business planning processes and to support the Ministry of Environment and the Government of Alberta's strategic vision for the future.

BUDGET INFORMATION

	2004-05 Actual	2005-06 Budget	2005-06 Forecast	2006-07 Estimate	2007-08 Target	2008-09 Target
Operating	945,000	1,069,000	1,069,000	1,069,000	1,069,000	1,070,000
Capital						
Total	1,046,000 ³	1,069,000	1,069,000	1,069,000	1,069,000	1,070,000

³ Original budget of \$945,000 increased to \$1,049,000 by Alberta Environment due to the external factors affecting the Board's workload. Part of the Board's increased budget of \$1,049,000 was returned to Alberta Environment, because certain Board projects did not proceed.

CONCLUSION

The Environmental Appeals Board is committed to delivering its programs and services to Albertans as outlined in this 2006-09 business plan. The Board remains committed to our mission and conducting business in a fair and efficient manner. On a continuous basis, the Board considers new and improved ways to increase efficiency, effectiveness, and satisfy those who come before us. Through these efforts the Board will satisfy our own operational goals and also meet the needs and expectations of the Alberta government and citizens.

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Environmental Appeals Board
306 Peace Hills Trust Tower
10011 - 109 Street
Edmonton, Alberta
T5J 3S8
Phone: 780-427-6207
Fax: 780-427-4693
E-Mail: gilbert.vannes@gov.ab.ca
Website: www.eab.gov.ab.ca